

T06-0014

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1147**

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Elgin, Joliet, and Eastern Railway Company ("Company"), the Libertyville Township Road District ("Township"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through correspondence that inquiry should be made into the matter of improving public safety at the Diamond Lake Road, Arcadia Road, and Bradley Road highway-rail grade crossings of the Company's track in Libertyville Township, near the Village of Libertyville, in Lake County, Illinois, designated as crossings AAR/DOT #260 495U, railroad milepost 59.13-WSD, AAR/DOT #260 485N, railroad milepost 65.64-WSD, and AAR/DOT#260 486V, railroad milepost 65.06-WSD, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, A-1, and A-2, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

**DOCKETED**

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The Company should replace the existing warning devices at the Diamond Lake Road crossing with automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.
- (b) The Company should install automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system at the Arcadia Road crossing.
- (c) The Company should install temporary STOP signs (if required) at the Arcadia Road crossing within 30 days of a Commission Order for the installation of new automatic warning devices.
- (d) The Company should replace the existing warning devices at the Bradley Road crossing with automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.

Section 3 The Company has prepared preliminary cost estimates to accomplish the proposed safety improvements, which may be required by Commission Order. The cost estimates are attached and incorporated herein by reference as Exhibits B, B-1, and B-2.

The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

**Section 5** The parties agree that an equitable division of cost for the proposed improvements is as follows:

**- COST DIVISION TABLE -**

<b>IMPROVEMENT</b>	<b>EST. COST</b>	<b>GCPF</b>	<b>Township</b>	<b>COMPANY</b>	<b>IDOT</b>
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry, at the Diamond Lake Road grade crossing	\$84,040	<b>90%</b> \$75,636 <sup>1</sup>	\$0	<b>10%</b> \$8,404 <sup>3</sup>	\$0
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry, at the Arcadia Road grade crossing	\$97,789	<b>90%</b> \$88,010 <sup>1</sup>	\$0	<b>10%</b> \$9,779 <sup>3</sup>	\$0
Install temporary STOP Signs, if ordered, at the Arcadia Road crossing	No estimate	\$0	\$0	100% <sup>4</sup>	\$0
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry, at the Bradley Road grade crossing.	\$151,245	<b>90%</b> \$136,121 <sup>1</sup>	\$0	<b>10%</b> \$15,124 <sup>3</sup>	\$0
<b>TOTALS</b>	<b>\$333,074<sup>2</sup></b>	<b>\$299,767<sup>1</sup></b>	<b>\$0</b>	<b>\$33,307</b>	<b>\$0</b>

**Notes:**

<sup>1</sup> Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$299,767; any installation costs above the estimated amount of \$333,074 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

<sup>2</sup> Total Estimated Cost does not include cost for Company to install temporary STOP Signs at the Arcadia Road grade crossing, if ordered.

<sup>3</sup> Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

<sup>4</sup> Company responsible for all future maintenance costs associated with the temporary STOP Signs, if ordered.

**Section 6** The Township is not required to pay any portion of the costs for the proposed improvements.

**Section 7** The Company shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit C, along with this executed Agreement.

The Company shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit C, regarding the progress it has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing

information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from each party shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12<sup>th</sup> month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

**SECTION 8** Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

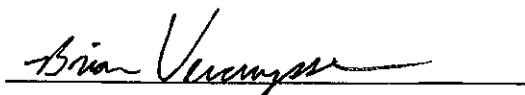
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 12th day of January, 2006.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead  
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Brian A. Vercruysse", written over a horizontal line.

Brian A. Vercruysse  
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1147** concerning safety improvements at the Diamond Lake Road (AAR/DOT #260 495U, railroad milepost 59.13-WSD), Arcadia Road (AAR/DOT #260 485N, railroad milepost 65.64-WSD), and Bradley Road (AAR/DOT #260 486V, railroad milepost 65.06-WSD) highway-rail grade crossings of the Elgin, Joliet & Eastern Railway's track, located in Libertyville Township, near the Village of Libertyville, Lake County, Illinois.

Executed by Libertyville Township Road District 17 day of JAN  
2006.

LIBERTYVILLE TOWNSHIP ROAD DISTRICT

By: Bill Morgan Hwy Comm

RECEIVED  
JAN 25 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

Attest:

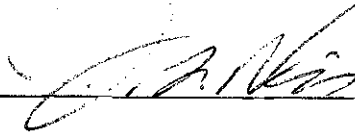
Renee Hansen

Illinois Commerce Commission Stipulated Agreement No. **1147** concerning safety improvements at the Diamond Lake Road (AAR/DOT #260 495U, railroad milepost 59.13-WSD), Arcadia Road (AAR/DOT #260 485N, railroad milepost 65.64-WSD), and Bradley Road (AAR/DOT #260 486V; railroad milepost 65.06-WSD) highway-rail grade crossings of the Elgin, Joliet & Eastern Railway's track, located in Libertyville Township, near the Village of Libertyville, Lake County, Illinois.

Executed by the Elgin Joliet & Eastern Railway Company this 25<sup>th</sup> day of January 2006.

ELGIN, JOLIET & EASTERN RAILWAY COMPANY

By: \_\_\_\_\_



Attest:

Margaret Norcross

Illinois Commerce Commission Stipulated Agreement No. 1147 concerning safety improvements at the Diamond Lake Road (AAR/DOT #260 495U, railroad milepost 59.13-WSD), Arcadia Road (AAR/DOT #260 485N, railroad milepost 65.64-WSD), and Bradley Road (AAR/DOT #260 486V, railroad milepost 65.06-WSD) highway-rail grade crossings of the Elgin, Joliet & Eastern Railway's track, located in Libertyville Township, near the Village of Libertyville, Lake County, Illinois.

Executed by the Illinois Department of Transportation this 10th day of March 2006.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/Chief Engineer



**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Elgin, Joliet, and Eastern Railway Company
<b>USDOT#, MILEPOST</b>	260 495U, MP 59.13
<b>STREET, CITY, COUNTY</b>	Diamond Lake Road, near Libertyville, Lake County
<b>JURISDICTION (RDWY)</b>	Libertyville Township Road District
<b>LOCATION</b>	Residential
<b>STREET SURFACE</b>	Bituminous, 24', Good Condition

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK (W-E or N-S)</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
1 W-E	Rubber Panel	8'	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	NA
<b>TRAFFIC CONTROL</b>	NA
<b>ADT &amp; SPEED</b>	6500 @ 30MPH (%Trucks)
<b>TRAFFIC TYPE</b>	Cars, trucks
<b>ADVANCE WARNING</b>	Yes
<b>PAVEMENT MARKING</b>	Yes (faded southbound)

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	6 Per day @ 45 MPH, 3 Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	NA
<b>WARNING DEVICES</b>	AFLS

**NOTES:**

**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	45	<b>MPH</b>
<b>Roadway Speed</b>	30	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	208	<b>FEET</b>
<b>Along Tracks</b>	430	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1070	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*	NA	*	NA
<b>NW</b>	*	NA	*	NA
<b>SE</b>	*	NA	*	NA
<b>SW</b>	*	NA	*	NA

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: WEST/NORTH</b>			<b>DIRECTION: EAST/SOUTH</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0		0	100.0	
25	99.3	2.8	25	99.7	1.2
50	97.9	5.6	50	99.0	2
100	94.8	6.2	100	98.2	1.6

Distance measured from outermost rail.

**COMMENTS:**

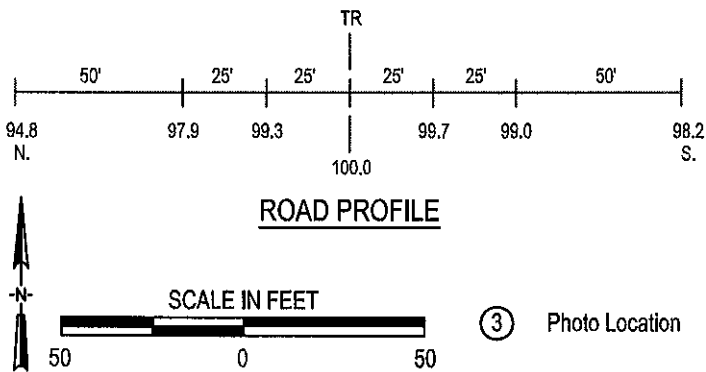
See Page 3 for a Location Sketch (Aerial Photo) of the crossing.

Standard FL, Reflect Xbuck  
16.5' - cl of tr, 7.1' - eop

ROAD

DIAMOND LAKE

Standard FL, Reflect Xbuck  
16.5' - cl of tr, 6.8' - eop



Crossing #: 260495U

Location: Lake Co., City of Libertyville (N)

Lat/Long: 42°14'34" / 88°00'16"

Railroad: EJE

Street: Diamond Lake Road

Railroad Milepost: 14.87

Crossing Protection: Train Activated Devices